



1761

PATENT
Atty. Dkt. No.: 059490-5002-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CAIN ET AL

Application No.: 09/816,864

Filed: March 26, 2001

For: **STRUCTURED PARTICULATE
SYSTEMS**

Group Art Unit: 1761

Examiner: Paden

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NOV 13 2003
TC 1700

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Submission including:

Form PTO-1449, 12 references and European Search Report.

- ## 2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus		0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	5	minus	3	2	x \$86 each=	+ \$172
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$172

5. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: November 10, 2003

By: 

Paul N. Kokulis

Reg. No. 16773

CUSTOMER NO. 09629**MORGAN, LEWIS & BOCKIUS LLP**

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CAIN ET AL

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SUBMISSION

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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Attached hereto for the Examiner's consideration is a copy of Search Report issued in connection with EPA No. 02075967.6 on which related U.S. application Serial No. 09/816,863 is based. As shown, the Search Report was only recently issued (October 9, 2003).

Also attached are copies of the cited references together with a PTO-1449 listing the same.

The attached references are not considered to be suggestive of the invention. However, the Examiner is requested to consider the same and make them of record herein.

CAIN ET AL
Serial No. 09/500,475

It is thought that no fee is required for this submission. However, if a fee is required, please charge to our Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By



Paul N. Kokulis
Reg. No. 16773

Date: November 10, 2003

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To: U.S. Department of Commerce

(PW FORM PAT-1449)

Patent and Trademark Office

Atty.
Dkt. No.

M#

Client Ref.

059490-5002-US

P27582US

Applicant: CAIN ET AL

Appln. No.: 09/816,864

Filing Date: March 26, 2001

Examiner: Paden

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INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

Date: November 10, 2003

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of

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U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR 5,139,794	08/1992	Patel et al	426	5	
	BR 3,623,889	11/1971	Falconer et al	99	134	
	CR 5,441,753	08/1995	McGinley et al	426	96	
	DR 2,851,359	09/1958	Diller	99	78	
	ER 4,978,537	12/1990	Song	426	5	
	FR 5,206,049	04/1993	Fielding et al	426	649	
	GR 5,876,506	03/1999	Cherukuri et al	127	63	
	HR					
	IR					
	JR					
	KR					
	LR					

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name		English Abstract		Translation Readily Available	
						Enclosed	No	Enclose	No
	MR 1 064 856 A2	01/2001	Europe	De Ross et al	A23L	X			
	NR 0 398 465	11/1990	Europe	Cherukuri et al	C08B	X			
	OR WO 02/17892	03/2002	PCT	Auriou	A61K	X			
	PR 0 689 834 A2	01/1996	Europe	Serfontein	A61K	X			
	QR 0 075 443	03/1983	Europe	Becker et al	A23G	X			
	RR								
	SR								
	TR								
	UR								

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	VR				
	WR				
	XR				
	YR				
	ZR				
	AAR				

Examiner

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.